

SENATE SUBSTITUTE
FOR
SENATE COMMITTEE SUBSTITUTE
FOR
HOUSE COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NOS. 73 & 47

AN ACT

To amend chapter 208, RSMo, by adding thereto one new section relating to illegal drug use of applicants and recipients of temporary assistance for needy families benefits.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,
AS FOLLOWS:

1 Section A. Chapter 208, RSMo, is amended by adding thereto
2 one new section, to be known as section 208.027, to read as
3 follows:

4 208.027. 1. The department of social services shall
5 develop a program to screen and test each applicant or recipient
6 who is otherwise eligible for temporary assistance for needy
7 families benefits under this chapter and who the department has
8 reasonable cause to believe, based on the screening, engages in
9 illegal use of controlled substances. Any applicant or recipient
10 who is found to have tested positive for the use of a controlled
11 substance, which was not prescribed for such applicant or
12 recipient by a licensed health care provider, shall, after an
13 administrative hearing conducted by the department under the

1 provisions of chapter 536, be declared ineligible for temporary
2 assistance for needy families benefits for a period of three
3 years from the date of the administrative hearing decision. The
4 department shall refer an applicant or recipient who tested
5 positive for the use of a controlled substance under this section
6 to an appropriate substance abuse treatment program approved by
7 the division of alcohol and drug abuse within the department of
8 mental health.

9 2. The department of social services shall promulgate rules
10 to develop the screening and testing provisions of this section.
11 Any rule or portion of a rule, as that term is defined in section
12 536.010, that is created under the authority delegated in this
13 section shall become effective only if it complies with and is
14 subject to all of the provisions of chapter 536, and, if
15 applicable, section 536.028. This section and chapter 536, are
16 nonseverable and if any of the powers vested with the general
17 assembly pursuant to chapter 536, to review, to delay the
18 effective date, or to disapprove and annul a rule are
19 subsequently held unconstitutional, then the grant of rulemaking
20 authority and any rule proposed or adopted after August 28, 2011,
21 shall be invalid and void.